

Notice of Allowability

Application No.

09/924,676

Examiner

Jonas N. Strickland

Applicant(s)

CUTLER ET AL.

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed on 12/31/03.
2. ☒ The allowed claim(s) is/are claims 1-9.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Allowable Subject Matter

1. Claims 1-9 are allowed.
2. The following is an examiner's statement of reasons for allowance: The instant application is in condition for allowance, because the cited art fails to disclose a process for producing a monolithic metallic catalyst substrate which includes a two step heating process wherein the first heating step occurs in an oxidizing atmosphere to remove a carbon organic binder and then heating the carbon-free perform in a reducing atmosphere to sinter the carbon-free perform to a unitary monolithic metallic catalyst substrate.

Harada et al. (EP 0450897 A2) discloses a method for making a metallic monolith by mixing metal powders, an extrusion aid (oleic acid, p. 5, lines 48-50), and an organic binder to prepare a mixture, by forming the mixture into a shape of the desired honeycomb configuration (see abstract). Therefore, the honeycomb monolith disclosed by Harada et al. may be in the form of a wall flow or z-flow configuration, with respect to claims 8 and 9 based on the teachings of Harada et al. Harada et al. continues to disclose utilizing an extrusion die (p. 11, line 4). Harada et al. discloses carrying out a heat treatment under an oxidizing atmosphere and a reducing atmosphere in order to remove the carbon binder and to sinter the catalytic substrate (p. 5, line 52 – p.6, line 19). Harada et al. also discloses having a copper metal powder (p. 5, lines 31-32). Harada et al. continues to disclose wherein the honeycomb monolith has porosity between 0 to 50% by volume, with respect to claim 4 (p. 6, lines 29-32). Furthermore, Harada et al. discloses wherein the honeycomb substrate has a washcoat

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comprised of alumina and a catalyst comprised of a precious metal, with respect to claims 6 and 7.

However, the first heating step in Harada et al. is in a reducing atmosphere, and the second heating step is in an oxidizing atmosphere, which is distinct from the instant invention, which requires the first heat treatment in an oxidizing atmosphere and produces a carbon-free perform and then undergoes a second heat treatment under reduction conditions to produce a sintered carbon-free perform.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonas N. Strickland whose telephone number is 703-306-5692. The examiner can normally be reached on M-TH, 7:30-5:00, off 1st Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 703-308-3837. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0661.

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Jonas N. Strickland
January 22, 2004


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SUPERVISORY PATENT EXAMINER
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